

Idaho Industrial Commission

Benefits FAQ

Last Updated 8/18/2005

The 28 questions are organized into six groups:

- **INJURY REPORTING AND COVERAGE REQUIREMENTS**

- **My employer hasn't or won't fill out a work injury report. What can I do?**
 - Contact the Industrial Commission immediately to report this activity and to request a First Report of Injury form. Completely filling out and filing the First Report of Injury with the Commission will register your claim. See also, [Facts for Injured Workers](#).
- **How do I find out if my employer has worker's compensation insurance?**
 - Contact the Industrial Commission Compliance Department at (208)334-6000 or toll free at (800) 950-2110.
- **I have an employee who will be working out of the state for a while. Will he still be covered under our Idaho worker's compensation insurance?**
 - If the employee is hired in Idaho to work in Idaho and is on a temporary work assignment in another state, the employee's coverage would be through the employer's Idaho Workers' Compensation insurance. Regarding longer term out of state assignments, if the employer has current coverage in Idaho and their employee(s) will be working in OR, WA, MT, WY, UT, NV and ND, we can process an extraterritorial certificate for them. Otherwise the employer will have to purchase workers' compensation insurance in the state their employee(s) will be working.

- **BENEFITS YOU MAY BE ENTITLED TO**

- **What is the income benefit allowance for the medically authorized time I have missed from work?**
 - Computing the income benefit allowance is a complex process. The basic benefit is sixty-seven percent (67%) of your average weekly wage, subject to the minimums and maximum of 90% of the average state wage provided in Idaho Code (I.C.) [72-408](#) and [72-409](#). After 52 weeks, the basic benefit is 67% of the average state wage subject to maximums and minimums in I.C. 72-409. Contact your work comp insurance company or the Industrial Commission for more information.
 - A [table of typical benefits levels](#) from year to year has been created by the Industrial Commission.

- **When will I get paid for the time I have missed from work?**
 - You may generally expect to receive your first check within twenty-one days of the injury, unless you have been notified that the claim was denied or is being investigated. Contact the insurance company to determine exactly when benefits checks are issued.
- **Will I receive benefits for every day I am injured?**
 - You do not receive income benefits for the first 5 days you are off work due to an injury, unless the injury requires overnight hospitalization or the time loss exceeds 14 days. There is no waiting period for eligibility for medical benefits.
- **How are impairment ratings paid?**
 - If a physician has given you an impairment rating, it usually is paid monthly until paid in full, although in some cases it can be paid in a lump sum. The insurance company is required to notify you of the benefit amount, which is based on 55% of the average state weekly wage (ASW) for the year the injury occurred, and is expressed in the number of weeks of benefits. For example, a 5% impairment would qualify for 25 weeks worth of payments, each equal to 55% of the ASW. The weekly payments are converted to monthly amounts and paid monthly.
- **Are retraining benefits available?**
 - Retraining benefits are available only when required to restore lost earning capacity. They must be ordered by the Industrial Commission or agreed to by the insurance company.
 - Additional vocational guidance and assistance are available through the Commission's Rehabilitation Division at 208-334-6040.
- **Is an incarcerated claimant entitled to workers' compensation benefits?**
 - Assuming this question refers to a person who is eligible for workers' compensation benefits and becomes incarcerated, the Claimant would continue to receive workers' compensation benefits after incarceration. If released from medical restrictions by a doctor to return to work, but Claimant is unable to report due to being incarcerated, income benefits would stop.

- **RETURN TO WORK ISSUES**

- **Do I have to accept light duty work when the work is not my regular job or if the pay is less?**
 - In most cases, yes, if the work can be done within the restrictions imposed by a doctor. Upon release to light duty work, you should contact your employer to express your availability for such work.

- **Can an employer terminate me while I am receiving workers' compensation benefits?**
 - Generally, yes. There is no worker's compensation law that prevents this. However, if you believe you have been wrongfully terminated, you may wish to seek legal counsel. Your workers' compensation benefits may or may not continue after termination, depending on the circumstances.
- **Can I draw workers' compensation benefits and unemployment benefits at the same time?**
- There is no workers' compensation statute or rule prohibiting receiving both benefits. You should contact the [Department of Commerce & Labor](#) without delay to determine your eligibility for unemployment benefits.

• **MEDICAL TREATMENT ISSUES**

- **Am I required to pay any balances on medical bills?**
 - No, you are not responsible for the cost of medical treatment covered by workers' compensation on an accepted claim. Bills for approved medical treatments are sent by the medical care provider to the insurance carrier, or the employer if self-insured.
- **When an insurance company schedules me for a medical appointment, do they have to provide transportation?**
 - The insurance company must pay for transportation. In some case you may be reimbursed for other travel related expenses. I.C. [72-432](#) (12). See I.C. [72-433](#) for rates of reimbursement.
- **What is the allowable reimbursement for trips to a doctor or therapist for mileage, meals & housing?**
 - If you use a private vehicle, reimbursement is computed at the prevailing state employee rate. An employee shall not be reimbursed for the first fifteen (15) miles of any round trip or any trip totaling fifteen (15) miles or less (as of 4/12/2005 the reimbursable mileage rate is 40.5 cents per mile). Meals will be reimbursed at the current state-employee reimbursement rate (Breakfast-\$7.50; Lunch-\$10.50; Dinner-\$16.50; Daily Maximum-\$30.00) and housing will be reimbursed at "reasonable" rates. {I.C. [72-433](#)}
- **Are companions given an allowance for mileage, meals & housing?**
 - Yes, if your injury-related medical condition requires that a companion accompany you.
- **Can an employer designate a doctor?**
 - Yes, but if the employer requires injured workers to be seen first by a designated doctor, the employer must make that requirement known to the employees before they report to a physician in regard to a work-related injury.

- **Can I choose my own doctor?**
 - Yes, if the employer has not designated a treating physician. Under emergency conditions you may seek the most available medical treatment, even when another physician has been designated.
- **What if the insurance company's designated doctor or Independent Medical Examiner disagrees with my physician?**
 - The insurance company can accept the opinion of any physician as long as it is reasonable. If you feel the insurance company is unreasonable, you can file a formal Complaint {I.C. [72-706](#)} with the Industrial Commission. The Complaint initiates the formal legal process to bring the issue to the Commission for a hearing and decision.
- **Can an insurance company require me to see a doctor other than my treating physician?**
 - The insurance company may require attendance at an Independent Medical Examination and then choose the medical opinion rendered in that report. The insurance company may also refuse to pay for future visits to your treating physician in certain circumstances.
- **At what time is the treating physician's opinion no longer considered?**
 - The treating physician's opinion may be considered as evidence to support your contention, but an insurance company may base its decisions on the opinion of a physician other than the treating physician.
- **Can I change treating physicians?**
 - Yes, you may ask the current treating physician for a referral to a new treating physician. If the physician declines to do so, then that request may be made of the insurance company. If the insurance company declines to do so, you may file a [Petition for Change of Physician](#) {I.C. [72-432](#) (4)}. Without pre-authorization from the insurance company or a successful Petition for Change of Physician, you may be liable for the fees charged by a physician of your choice.
- **My injury was rated on a specific body part and on the whole person. Which rating is used to determine benefits?**
 - The rating should be based on the body part closest to the injury and converted to the whole person in the exact percentage {[IDAPA 17.02.04.281.01](#)}. The AMA Guidelines do not necessarily convert ratings in the exact percentage.
- **Two or more physicians have given an impairment rating on my injury. Which rating will be used?**
 - They are typically averaged {[17.02.04.281.02](#)} unless the matter goes to hearing, in which case the Industrial Commission will determine the impairment rating.

- **LEGAL ISSUES**

- **What is the procedure for disputing a denied claim?**
 - If the insurance company denies your claim, you can file a [Complaint](#) with the Industrial Commission. (I.C. [72-706](#)). The Complaint initiates the formal legal process to bring the issue to the Commission for a hearing and decision. The Industrial Commission also offers a voluntary mediation program to help resolve the dispute. Contact the Industrial Commission for information regarding filing of a complaint, the judicial process or to [request mediation](#).
- **Does an injured worker have to be represented by an attorney to file a Complaint?**
 - No. Legal representation is not required to file a Complaint with the Industrial Commission. However, due to the complexity of the judicial process, you may wish to consider legal counsel.
- **Can the Industrial Commission recommend a workers' compensation attorney?**
 - It is not appropriate for the Commission to recommend counsel. However, you can call the [Idaho State Bar](#) Lawyer Referral Service @ (208) 334-4500 or look in the Yellow Pages in the Attorneys - Workers' Compensation section.

- **TIME FRAMES/STATUTE OF LIMITATIONS**

- **Is there a statute of limitation on medical benefits?**
 - If you have met the filing and notice requirements, there is no statute of limitations on medical benefits, unless the claim has been closed with a lump sum settlement. {I.C. [72-706](#) (5)}
- **Is there a statute of limitation on income benefits?**
 - You must first meet the filing and notice requirements. [Click here for more information on filing and notice](#), or call the Idaho Industrial Commission at (208) 334-6000. If you have met these requirements, income benefits may still be subject to a statute of limitations.
 - "If income benefits have been paid and discontinued more than four (4) years from the date of the accident causing the injury or the date of first manifestation of an occupational disease, you shall have one (1) year from the date of the last payment of income benefits within which to make and file with the commission an application requesting a hearing for additional income benefits." {I.C. [72-706](#) (3)}.
 - Also, if no benefits are paid during the first year after the injury, then income benefits may not be due thereafter. Contact your work comp insurance company or the Idaho Industrial Commission (208) 334-6000 for more information.